

Introduction

The Core Strategy Single Policy Review: Conversion & Re-use of Rural Buildings as Dwellings Draft Policy (incorporating Proposals Map amendments) has been published. Prior to submission of the Draft Policy to the Secretary of State the document is subject to a 6 week period of public consultation. Representations received during this consultation will be submitted along with the Draft Policy and will be considered by the Planning Inspector who will be appointed to independently examine the Draft Policy. The Council after reviewing the representations will also have opportunity to request that the Inspector makes minor changes to the Draft Policy, if appropriate these (Minor Modifications) would be submitted with the Draft Policy and other supporting documents. The purpose of the Examination and this consultation is to consider whether the policy document complies with legal requirements and is 'sound' as set out in The Planning and Compulsory Purchase Act 2004¹.

If you are seeking to make representations on the **way** in which NNDC has prepared the document it is likely that your comments or objections will relate to a matter of **legal compliance**.

If it is the **actual content** on which you wish to comment or object it is likely it will relate to whether the document is **justified, effective or consistent with national policy**.

It is important that representations are made through the [Consultation Portal](#)² or using the comments form³ to ensure all essential information is provided. Contact details enable us to contact you should there be a problem with the representation.

Once you have made a representation it will be acknowledged and given a reference number. All representations will be made available for public viewing and your comments will be considered and be available to the Planning Inspector during examination.

General Advice

If you wish to make a representation seeking a change to the Draft Policy you should make clear in what way it is not sound having regard to the legal compliance check and three tests set out below. You should try to support your representation by showing evidence why the policy should be changed. It would be helpful if you also say precisely how you think the policy should be changed. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the subsequent change, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies in the examination.

Where there are groups who share a common view on how they wish to see a document change, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

Further detailed guidance on the preparation, publication and examination of Development Plan Documents is provided in the Planning Policy Statement 12: Local Spatial Planning⁴ and in The Plan Making Manual⁵.

Question ③ Guidance - Legal Compliance

You should consider the following before making a representation on legal compliance:

The policy document in question should be within the current Local Development Scheme⁶ (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the Local Planning Authority (LPA in this case is North Norfolk District Council) setting out the Local Development Documents it proposes to produce over a 3 year period. If the document is not in the current LDS it should not have been published for representations.

The process of community involvement for the policy document should be in general accordance with the Statement of Community Involvement⁷ (SCI) completed by the Council. The SCI sets out the strategy for involving the community in the preparation and revision of Local Development Documents and the consideration of planning applications.

The policy document should comply with the Town and Country Planning (Local Development) (England Regulations) 2004 as amended⁸. On publication, the LPA must publish the documents prescribed in the regulations, and make them available at their principal offices and on their website. The LPA must also place local advertisements and notify the DPD bodies (as set out in the Regulations) and any persons who have asked to be notified.

The LPA is required to provide a Sustainability Appraisal Report for this document. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.

The document should have regard to national policy and conform generally to the Regional Spatial Strategy (RSS).

The document must have regard to any Sustainable Community Strategy for its area (i.e. county and district). This is usually prepared by the Local Strategic Partnership which is representative of a range of interests in the area. For this area it is 'The North Norfolk Community Partnership Sustainable Communities Strategy 2008-2011'.

If you consider that the proposed policy document fails to meet one or more of these requirements you should indicate that you consider the policy is 'unsound' because the process of preparation is not legally compliant.

Question ④ Guidance - Soundness

Soundness is explained fully in Planning Policy Statement 12: Local Spatial Planning in paragraphs 4.36 – 4.47, 4.51 and 5.52 and the boxed text. The Planning Inspector has to be satisfied that the policy is justified, effective and consistent with national policy.

To be sound the policy should be:

• **Justified**

This means that the policy should be founded on a robust and credible evidence base involving:

- Participation of the local community and others having a stake in the area
- Research/fact finding: the policy is backed up by facts

The policy should be the most appropriate when considered against reasonable alternatives. These alternatives should be realistic and subject to a sustainability appraisal. The document should show how the policy will ensure that the social, environmental, economic and resource use objectives of sustainability will be achieved.

• **Effective**

This means the policy should result in the stated aims being deliverable. They are:

- To help secure the future of traditional rural buildings that positively contribute to the local distinctiveness of North Norfolk
- To help support the sustainability of rural communities and services.

The effectiveness of the policy should be measurable and the mechanism for monitoring should be specified.

• **Consistent with National Policy**

The policy approach should be consistent with national planning policy. Where there is a departure, LPAs must provide clear and convincing reasoning to justify their approach. Conversely, you may feel the LPA should promote a policy which would depart from national and regional policy to some degree in order to meet a clearly identified and fully justified local need, but they have not done so. In this instance it will be important for you to say in your representations what local circumstances justify a different policy approach to that in national or regional policy and support your assertion with evidence.

References

1. View at http://www.opsi.gov.uk/ACTS/acts2004/ukpga_20040005_en_1
2. Submit comments via the consultation portal via <http://www.northnorfolk.org/ldf/default.asp>
3. Further copies available from the contacts stated at the end of the form, photocopies may be taken.
4. View at <http://www.communities.gov.uk/publications/planningandbuilding/pps12lsp>
5. View at <http://www.pas.gov.uk/pas/core/page.do?pageId=51391>
6. View LDS at <http://www.northnorfolk.org/ldf/1263.asp>
7. View SCI at <http://www.northnorfolk.org/ldf/1222.asp>
8. View 2004 regulations at <http://www.opsi.gov.uk/si/si2004/20042204.htm> and amending 2008 regulations at http://www.opsi.gov.uk/si/si2008/pdf/uksi_20081371_en.pdf

Comments Forms should be returned to:

Planning Policy
North Norfolk District Council
Council Offices
Holt Road
Cromer
NR27 9EN

Or emailed to: planningpolicy@north-norfolk.gov.uk

For further information please contact 01263 516318 or visit www.northnorfolk.org/ldf.

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